

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FRANCISCO DIAZ,

Plaintiff,

vs.

JARED M. KELM, both individually and as an
agent of UNION TANK CAR COMPANY;
and UNION TANK CAR COMPANY, a
company authorized to do business in the State
of Nebraska,

Defendants.

Case No. 4:18-cv-03042

**ORDER
AND PROTECTIVE ORDER**

The parties filed a Stipulation for Protective Order ([Filing No. 64](#)). The parties represent that entry of the proposed protective order will resolve the discovery dispute in this case, which is scheduled to be heard in a conference call with the Court on September 5, 2019. Having reviewed the matter, the Court will grant the parties' request for a protective order. Accordingly, the telephone conference scheduled for September 5, 2019 is cancelled and a protective order is entered as follows:

- (1) Defendants have requested through discovery information regarding Plaintiff's immigration status and history.
- (2) Plaintiff shall produce all relevant documents in his possession, custody or control regarding Plaintiff's immigration status and immigration history within 14 days of this Order.

- (3) Plaintiff shall provide substantive responses to Interrogatories and Requests for Production of Documents pertaining to the Plaintiff's immigration status and immigration history within 14 days of this Order.
- (4) Plaintiff shall appear for a supplemental deposition limited to questions related to his immigration history, current immigration status, and circumstances and history surrounding his use of social security numbers.
- (5) Any information generated regarding Plaintiff's immigration history, current immigration status, and use of social security numbers shall be deemed "Confidential".
- (6) This confidential information shall be protected from public disclosure and from use for any purpose other than prosecuting or defending this litigation.
- (7) No person receiving this confidential document may reveal it, except to:
- a. The court and its staff;
 - b. an attorney or an attorney's partner, associate, or staff;
 - c. a person shown on the face of the confidential document to have authored or received it;
 - d. court reporters and recorders retained in connection with this action;
 - e. a party, under the same terms of confidentiality contained within this agreement;
 - f. other persons only by written consent of the Plaintiff or order of the Court, and;
 - g. any consultant, investigator, or expert who:
 - i. is retained to assist a party or attorney with this action; and

- ii. signs a declaration that contains the person's name, address, employer, and title and agrees by signed declaration to be bound by this protective order with the following language.

The undersigned hereby acknowledges that he/she has read the Protective Order dated _____ in the above-captioned action and attached hereto, understands the terms thereof, and agrees to be bound by its terms. The undersigned submits to the jurisdiction of the United States District Court for the District of Nebraska in matters relating to the Protective Order and understands that the terms of the Protective Order obligate him/her to use confidential documents or information identified in the Protective Order in accordance with the Order solely for the purposes of the above-captioned action, and not to disclose any such documents or information derived directly therefrom to any other person, firm or concern.

- (8) If a confidential document is revealed to someone not entitled to receive it, the parties must make reasonable efforts to retrieve it.
- (9) Unless otherwise agreed or ordered, this Order shall remain in force after dismissal or entry of final judgment not subject to further appeal.

IT IS SO ORDERD.

Dated August 28, 2019.

BY THE COURT:

/s Susan M. Bazis
United States Magistrate Judge